



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2013-35

Legistar #: 20131045

Board of Zoning Appeals Hearing: Monday, September 30, 2013

Applicant: Larry & Donna Mellen
949 Village Greene NW
Marietta, GA 30064

Property Owner: Same as above

Address: 949 Village Greene NW

Land Lot: 02810 **District:** 20 **Parcel:** 0960

Council Ward: 4

Existing Zoning: PRD-SF (Planned Residential Development – Single Family)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce the rear yard setback for an attached garage, with second floor living space, from 20 feet to 5 feet. [708.09(F)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



Front view of 949 Village Greene



View of garage where addition is proposed



View of breezeway where addition is proposed

Recommended Action:

Approval. The applicants and property owners, Larry and Donna Mellen, are requesting a variance to reduce the rear yard setback from 20 ft. to 5 ft. in order to add a second floor addition over the breezeway and attached garage. The property is located in the Village at Barrett Greene subdivision and is known as 949 Village Greene. The subject property is 0.35 acres, and is zoned PRD-SF (Planned Residential Development – Single Family), as are the abutting properties, and the entire single family residences within the subdivision.

The purpose for this addition is to move the family room and craft room, which are currently located inside the house on the main level, to an area above the garage. Mr. and Mrs. Mellen wish to make these changes to their home so that they will be better able to accommodate their aging parents who are going to live with them. Because the garage is attached by a breeze way, the city code considers the garage to be part of the house (or principal structure), in regards to building setbacks. The required rear building setback is 20 feet, and the existing garage is only 5 feet from the rear property line.

The survey that was provided indicates that the garage was originally built only 5 feet from the rear lot line, which would meet the required setbacks for a detached garage, but not for one attached to the house by a breezeway. Mr. Mellen mentioned in his written statement that a variance was requested when the house was constructed, but Staff was not able to locate any record of a variance to the rear yard for subject property.

The Fire Department has granted reviewed the provided information and, due to the location of the house being far from any other homes in the neighborhood, has granted an acceptance to sprinkling the second floor addition.

By adding the second floor, the height of the building will be increased, but the location of the building will not change; and the Mellen's house is not close to any other house in the neighborhood. Also, Mr. and Mrs. Mellen have provided architectural plans indicating that the second floor addition will be built in keeping with the style of the existing house. As such, **Staff recommends approval** of the variance request.